

# QUID NOVI

Journal des étudiant-e-s  
en droit de l'université McGill

McGill Law's  
Weekly Student Newspaper

Volume 34, n°9  
15 janvier 2013 | January 15<sup>th</sup> 2013



# QUID NOVI

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3661 Peel Street  
Montréal, Québec H2A 1X1

<http://quid.mcgill.ca/>

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*Journal des étudiant-e-s  
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**Volume 34, n°9**

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## WANT TO TALK? TU VEUX T'EXPRIMER?

Envoyez vos commentaires ou articles avant  
jeudi 17h à l'adresse : [quid.law@mcgill.ca](mailto:quid.law@mcgill.ca)

Toute contribution doit indiquer le nom de  
l'auteur, son année d'étude ainsi qu'un titre  
pour l'article. L'article ne sera publiée qu'à la  
discrétion du comité de rédaction, qui

basera sa décision sur la politique de  
rédaction.

Contributions should preferably be submitted as  
a .doc attachment (and not, for instance, a  
".docx").



Co-Editor in Chief

AARON  
FERGIE

## DE LA MODÉRATION

You know them. We've all met a handful of them in our lives. That's right, those people who just seem to do everything well.

In addition to maintaining a high level of academic performance, they come into school after running a half-marathon every morning and practicing for the local choir; they do volunteer work for charity, but also remunerated work for top tier organisations to pay for their studies (and the occasional trip to Nepal where they climb Mount Everest for kicks); they keep up to date with current affairs and they seem to be on every student committee there is; they also do internationally recognized research and get their work published in prestigious journals (that is, after they've finished editing the work of other contributors to said prestigious journals). What's more, if we are to take them at their word, they also sleep a full 8 hours every night, eat healthily, and spend time with friends and family.

Est-ce vraiment possible? Peut-être. On sait jamais ce qui se passe dans la vie privée de chacun, et de l'extérieur, il est toujours possible de voir le bon côté des choses. Malgré tout, on rencontre parfois des gens qui semblent capables de toute faire, et de tout bien faire. Quel est leur secret? C'était le sujet de mes réflexions pendant les fêtes cette année et je pense que j'ai trouvé au moins une partie de la réponse. C'est le pouvoir de la modération.

Mais avant que j'élaborer ce que je veux dire par « la modération », laissez-moi vous raconter ce qu'est l'excès. L'excès, c'est quand on étudie seize heures et plus par jour, sans arrêt, en essayant de maîtriser nos lectures. C'est quand nous manque, fréquemment, le sommeil pour bien faire notre travail. C'est quand on laisse les tâches 'moins importantes' que le travail aux autres dans nos vies; quand on laisse tomber toutes les autres choses qu'on aimerait faire (peut-être la musique, la lecture, l'écriture, les sports, la cuisine, les activités sociales) parce qu'on n'a pas assez de temps pour préparer les examens.

I can say this is a little what my life looked like last semester and judging by the then shadowed eyes, tousled hair, and glazed over expressions of the other 1L's around me I suspect that I was not the only one. So, coming back to our sheep.

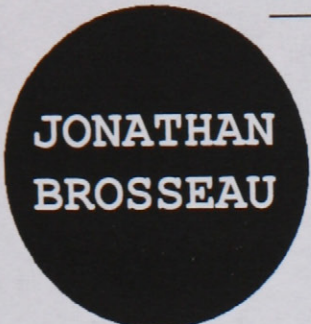
I suspect that moderation is the secret in doing at least a few things well (i.e., taking care of our health and loved ones in addition to work). How does that translate into concrete action? Well, when we fall into one sort of excess, the remedy is typically to throw ourselves in the direction of the other excess (those familiar with Aristotle's *Nicomachean Ethics* will recognize this). So, having fallen into the excess of doing too much of one thing, studying, I've decided to adopt the maxim 'Do more!' and throw myself the other way by doing less of that one thing and more of others. It's a bit early to say for sure, but so far things are working out.

J'ai constaté que, quand on fait plus de choses, nos activités, les unes et les autres, se complètent. Quand je dors, je peux lire plus rapidement. Quand je fais des exercices, j'ai l'énergie de bouger plus rapidement dans mes autres activités. Quand je prends le temps de faire des activités avec les autres, je me sens stimulé par leurs idées. Par le fait même, je peux consacrer moins de temps pour les études. Il est possible de retirer beaucoup plus de temps qu'on en laisse; et nous avons fait d'autres choses en plus!

So, if you find yourself wondering how some people seem to do everything well, try experimenting by taking a little more on and see what happens!

\*Je n'ai pas parlé de l'excès de 'trop faire', lorsque je n'ai pas beaucoup d'expérience avec lui. Cependant je pense que la stratégie de la modération pourrait être adaptée quand même. Une autre fois peut-être.





**JONATHAN  
BROSSEAU**

# ONE L

## The Gateway of the Legal Profession

Being a 2L is not being a 1L. It is as simple as that. On the other side of the fence, students realise they just crossed one. One that was invisible to them before. At least, this inspiring thought enlightened 1Ls in April. Indeed, first year really is a "thing" apart from the rest.

Just a quick Googling shows how much there is to say on this very particular moment in one's life and, more specifically, about the intensity of the epopee. The epic movie *The Paper Chase*, the famous *One L: The Turbulent True Story of a First Year at Harvard Law School* written by Scott Turow and the popular website #wheninlawschool depict the incredible journey in this total institution. And numerous "Law School 101" guidebooks, which suggest tips for succeeding the challenge, further the mystery of this gateway of the legal profession.

Somehow, a look at the sociology of professions gives an interesting perspective to what a 1L lives when entering law school.

## The Sociology of Professions and Brutalization

Socialization is the process through which individuals learn the norms and the values of a group. This specific type of learning occurs most significantly at a young age in the family circle. But, famous sociologist also showed why some institutions could have similar impacts on their member. Among them, Max Weber and Emile Durkheim exemplified the concept respectively in church and

in school.<sup>1</sup> In the 20th century, a new field of study arose from those previous researches: the sociology of professions.

From its early start, the sociology of profession shed its light mostly on the medical, legal and military career. In "Trained To Kill", Dave Grossman put forward the methodology used by in the army to re-socialize soldiers. Brutalization already gets underway in boot camps. Everyone loses his or her individuality through head shaving, alike uniform and endless hours of running in line. The objective is to change existing mores to set violence as acceptable in certain circumstances.<sup>2</sup>

Is the first year of law school, in a different form, used as a mechanism of brutalization designed to break down law students? Are the new language learned in frosh, composed of DHL (Dean's Honour List), OCI (On Campus Interview) and SNAILS (Students Not Actually In Law School), the competitive debate intra-gunners over a reading of Denning or Fuller in the first weeks and the exams worth 75% of a yearlong of study carefully drafted to melt us in a single shape? The answer to those interrogations seems, at first glance, to lie in the teaching strategy used in law school.

## Two Approaches To Legal Education

If first-year law classes dropped what has been know as the classical Socratic Method, this pedagogical instrument continues to play a crucial role in the curriculum.<sup>3</sup> In fact, its presence is now felt through the questions of professors to their students about the logic of a case. But, the approach itself is not what makes law school stressing, be-

cause most law students feel comfortable to talk in front of peers. Rather, the dense common law doctrine to which 1Ls are confronted causes their disorientation and anxiety. The absence of context, moreover, makes the experience more or less frightening and may inflict psychological depredations.<sup>4</sup> This initiating ritual is drafted to signal to students that they crossed a boundary. Stress breaks down the values that they had before law school and, after succeeding this painful experience, creates a sense of achievement.<sup>5</sup>

All this shows one particular view of legal education. The Langdellian method, as it is called, is based on the assumption that "learning to think like a lawyer involves the painful reorientation that Socrates regarded as the essence of education".<sup>6</sup> The ignorant students face an increasingly challenging illumination. First, it hurts, but they eventually get used to it. And the cruel or kind character of the professors has no impact on it.

In the end, the sociology of professions uncovers how the Socratic or Langdellian method aim to produce this transformation. One of the many effects of this approach is the devaluing of relationships. Law school isolate numerous students in a very particular way. Indeed, they often find themselves out of time to see friends, family, life partners and even 1L colleagues. Also, it makes people less important than legal principles or outcome<sup>7</sup>.

However, this approach of pedagogy in law school is not the only one. The learner-centered education is another



and could replace the Socratic method and its aim of brutalisation. If learning is a developmental process, educational programs should encourage the growth of students' capacities. A carefully designed plan could foster the gradual acquisition of the skills and norms of the legal profession. Some think this approach goes too easy on students, but this is to confuse a demanding program with an unpleasant one. In fact, the highest level of retention of information happens with engagement and interest. Thus, it seems that the stressing effect of the Langdellian method, which tries to set new values to law students through a stressing period called 1L, could be replaced with a more modern and precise approach. Thus, there are different paths that law school could take to teach. But, there are also different things students can do to change the experience.<sup>8</sup>

#### What 1Ls Can Do About It

Duncan Kennedy's iconic "Legal Education and the Reproduction of Hierarchy" describes how the process law students go through makes them fit in the system<sup>9</sup>. For sure, law school is a highly competitive environment. But the professor teaching style doesn't change this, because it is the peer competition that mostly causes stress. Because of their very narrow understanding of success, students only see high grades and prestigious prices as acceptable.<sup>10</sup> However, even if those extrinsic motivations lead to short term achievement, dissatisfaction will surface in the long run.<sup>11</sup>

Thus, 1Ls should focus on intrinsic motivation. Students' desires to become engaged in their academic studies, in the faculty life and in the community should be rooted in personal satisfaction and wellbeing.<sup>12</sup> They should be motivated by the positive feelings generated from

peer interaction and invert the typical logic of law school environment which isolates students and prevents them from healthy relationships with each other.<sup>13</sup> 1Ls should collaborate in order to prepare actively to the responsibilities of counselling.<sup>14</sup>

#### The Little Prince

In a nutshell, the sociological lenses show how the Socratic Method used in 1L raises up the level of stress in law school. One perspective of legal education puts forward the painful character of the process, but also the necessity and benefits of the approach. Another would favour an acquisition of knowledge in a more gradual way. Anyhow, students have their will in their own hands, since they partly contribute to the high level of stress in law school. It is the emphasis of 1L on extrinsic motivation that raises peer competition.

The Little Prince sums up the underlying message of this article. In the French novella written by Antoine de Saint-Exupéry, a young prince meets a fox that tells him: "On ne voit bien qu'avec le cœur. L'essentiel est invisible pour les yeux". And later on: "Tu deviens responsable pour toujours de ce que tu as apprivoisé." The first excerpt reveals the negative effect on the long run of an artificial conception of success and the second the need to focus on internal motivation and responsibility. Somehow, French literature can shed a powerful light on the law, but that is another fight.

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1. Bernard Lahire, "Socialisation", *Encyclopædia Universalis*, 2008.

2. Dave Grossman, "Trained To Kill" (2001) 2.2 Professorenforum-Journal 3 at 5.

3. William M. Sullivan, Anne Colby & Judith Welch Wegner, *Educating Lawyers: Preparation for the Profession of Law* (San Francisco: Jossey-Bass, 2007); Elizabeth Mertz, *The Language of Law School: Learning to "Think Like a Lawyer"* (New York: Oxford Univ. Press, 2007).

4. John Jay Osborn, Jr., *The Paper Chase*, (Albany: Whitston Publishing Co., 2003).

5. Edward Rubin, "Curricular Stress" (2010-2011) 60 J Legal Educ 110 at 114.  
6. *Ibid* at 116.

7. Daisy Hurst Floyd, "We Can Do More" (2010-2011) 60 J Legal Educ 129 at 131.

8. Rubin, *supra* note 5 at 118.

9. Duncan Kennedy, "Legal Education and the Reproduction of Hierarchy" (1982) 32 J Legal Educ 591.

10. Floyd, *supra* note 7 at 132.


11. Kennon M. Sheldon & Lawrence S. Krieger, "Does Legal Education Have Undermining Effects on Law Students? Evaluating Changes in Motivation, Values, and Well-Being" (2004) 22 Behav Sci & L 261 at 281

12. William J. Rich, "Balance in Legal Education: Pervasive Principles" (2010-2011) 60 J Legal Educ 122 at 123-124; Ben Gibson, "How Law Students Can Cope: A Student's View" (2010-2011) 60 J Legal Educ 140 at 144-145.

13. Lawrence S. Krieger, "Human Nature As a New Guiding Philosophy for Legal Education and the Profession" (2008) 47 Washburn L J 247 at 259-60.

14. Floyd, *supra* note 7 at 133-134.





INNOCENCE  
MCGILL

## DAVID MILGAARD: A STORY OF WRONGFUL CONVICTION

This year's Innocence McGill Conference on Tuesday, February 12 will feature David Milgaard, who spent nearly 23 years in prison for a crime he did not commit, and Peter Edwards, an investigative journalist from the Toronto Star. For all those interested in justice in Canada, this is an event not to be missed.

David Milgaard was traveling through Saskatoon with friends Ron Wilson and Nicole John on January 31, 1969. That same day, 20 year-old nursing student Gail Miller was found dead on a snowbank. Following a tip from one of Milgaard's friends, Albert Cadrain, police arrested Milgaard on May 30, 1969 and charged him with murder.

While friends Wilson and John initially told police that Milgaard had not left their sight on January 31 for more than one or two minutes, they changed their stories and implicated him in the murder. The Crown also introduced evidence that suggested that Milgaard had re-enacted the murder during a hotel room party.

Exactly one year after Miller's death, a jury found Milgaard guilty of murder and a judge sentenced him to life imprisonment. The Saskatchewan Court of Appeal rejected his appeal a year later and leave to appeal to the Supreme Court of Canada was refused in late 1971. For all intents and purposes, Milgaard was the killer and he had gotten the punishment he deserved.

But Milgaard refused to accept his fate. He never admitted guilt, though he later claimed that so many years in prison caused him to question his own innocence. He was repeatedly denied parole, in part because he would not admit guilt. In 1988, Milgaard's lawyers initiated proceedings under Criminal Code s. 690 to have their client's case reopened.

In the meantime, a man named Larry Fisher had been in and out of prison for a series of violent sexual assaults in the same neighbourhood over the same time period. In 1980, Fisher's ex-wife informed police that she believed Fisher had killed Gail Miller. However, the Saskatoon police force did not pursue this tip any further.

In 1991, a second request under s. 690 was more successful

and caused the government to refer the case to the Supreme Court. A unanimous Supreme Court, not convinced of Milgaard's complete innocence, nonetheless found that "[t]he continued conviction of Milgaard would amount to a miscarriage of justice if an opportunity was not provided for a jury to consider the fresh evidence." They advised the Minister of Justice to quash the conviction and send Milgaard back to trial if she wished.

By this time, the police were strongly suspicious of Larry Fisher, so Milgaard was released and charges against him were stayed, though he was not immediately or formally acquitted. That moment came 5 years later, when DNA testing in Britain confirmed that Larry Fisher – not Milgaard – was the killer. The Saskatchewan government promptly apologized to him. Two years later, Milgaard received a \$10 million compensation package from the Federal government. Finally, in 2005 (following Fisher's murder conviction), Justice Edward MacCallum began a public inquiry into David Milgaard's wrongful conviction.

The Commission of Inquiry into the Wrongful Conviction of David Milgaard heard testimony for almost 2 years and released an 815-page report in 2008. The report exhaustively details the entire history of the Milgaard affair from the investigation through his trial and appeals to the ultimately successful s. 690 application.

Justice MacCallum found no evidence of Saskatoon police misconduct throughout the investigation. However, he faulted Art Roberts (an Inspector with the Calgary Police Force) for discrediting Wilson and John's initial, exculpatory statements without submitting their amended, inculpatory statements to the same rigorous verification by lie detector. The inculpatory evidence they furnished was determined to be false. Justice MacCallum also faulted the trial judge for improperly putting Milgaard's traveling companion Nicole's inconsistent statements before the jury and significantly discrediting her through active questioning. He also noted that the police force's failure to take Linda Fisher's suspicions seriously in 1980 was a serious error that contributed to Milgaard's lengthy and wrongful detention.

The report made 13 recommendations intended to reduce



the likelihood of wrongful convictions in the future. Justice MacCallum recommended that every statement taken from a young person be both audio and video recorded. He also suggested that every complaint to the police questioning the validity of a conviction be referred to the Director of Public Prosecutions. He advised that all evidence in homicide cases be retained for a minimum of 10 years and not destroyed without the knowledge of the convicted person. Most importantly, the report recommended that the investigation of claims of wrongful conviction be done by a review agency independent of government. This would ensure a fair and impartial process free of political concerns.

Thankfully, headline-grabbing cases of wrongful conviction remain comparatively rare in Canada. But there are systemic issues to which we all must be attuned. The second edition of Bruce and Dawn Anderson's book, *Manufacturing Guilt: Wrongful Convictions in Canada* (Fernwood Publishing, Black Point N.S., 2009), suggests that as many as 1% of all convictions in any given year can be considered wrongful, either because the convicted person is completely innocent or because he or she has been convicted of a more serious crime than they ought to be. That would mean that 872 of the 87,214 criminal convictions in 2010 were potentially wrongful. However, for the period from April 1, 2010 to March 31, 2011, only 9 applications were submitted to the Federal Criminal Convic-

tion Review Group.

The Federal/Provincial/Territorial Heads of Prosecutions Subcommittee on the Prevention of Wrongful Convictions released a report in June 2011 documenting the concrete steps taken in the wake of multiple commissions of inquiry, including Milgaard's. Much progress has been made, but many of the recommendations have not been fully implemented. The stories of men like Milgaard, Donald Marshall and Guy Paul Morin are a constant reminder of the need to do everything possible to prevent wrongful convictions in the future.

To learn more about David Milgaard's story, come to the **2013 Innocence McGill Conference!** Mr. Milgaard will be speaking about his experience with wrongful conviction. Peter Edwards, a longtime Toronto Star crime reporter who extensively covered the Milgaard story and co-wrote Joyce Milgaard's memoir with her, will also be speaking about the case.

**WHO:** David Milgaard and Peter Edwards

**WHAT:** Innocence McGill Conference on Wrongful Convictions

**WHEN:** Tuesday, February 12 from 6-9 pm (Talks and Q & A 6-7:30 followed by a reception)

**WHERE:** Moot Court, New Chancellor Day Hall

**WHY:** To learn more about wrongful convictions in Canada

**HOW:** RSVP to [innocence.law@mail.mcgill.ca](mailto:innocence.law@mail.mcgill.ca) by February 1st

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Administrative Officer / Building Director

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MARGARET  
BARATTA

## SECURITY SERVICES SELF-DEFENCE COURSE FOR WOMEN

Sign up now for R.A.D. (Rape Aggression Defense), a self-defence course for women taught by McGill Security Services. This one-and-a-half day training course is offered to all female students, faculty and staff at a cost of only \$20. There will be two courses taught downtown this semester, so sign up now to secure your place. The course will take place on Jan. 25-26 and Feb. 1-2. Once you have signed up you will receive more information on course time and location.

For more information or to register visit: <http://bit.ly/VUSzpj>.



## CRIMINAL LAW SPEED MEET: RSVP BY JANUARY 18

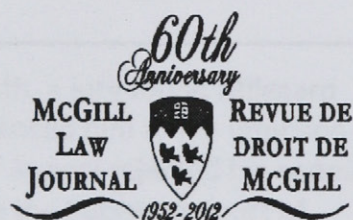
Want to speak with lawyers, judges, and other professionals working in the criminal law field? Come to the Criminal Law Speed meet!

Les étudiant-e-s intéressé-e-s par le droit criminel auront l'occasion de poser des questions à des avocats, des juges et d'autres professionnels en droit criminel, le tout dans une atmosphère conviviale.

Notre soirée se tiendra le 22 janvier de 18 à 20h, à l'Atrium, Faculté de droit.

Dans l'esprit de McGill, l'événement sera bilingue.

Space is limited, RSVP required: e-mail [clm.dcm@gmail.com](mailto:clm.dcm@gmail.com) by January 18.



### THE DICTATOR HUNTER: BROWN BAG LUNCH WITH SOULEYMANE GUENGUENG NEXT WEDNESDAY

Come meet Souleymane Guengueng, Dictator Hunter, main voice against the regime of former Chadian President Hissène Habré and founder of the Chadian Association of Victims of Political Repression and Crime.

Venez nombreux pour discuter des sujets de l'impunité et de la justice internationale.

"Comment combattre l'impunité tout en sauvant la justice internationale face aux justices domestiques ?

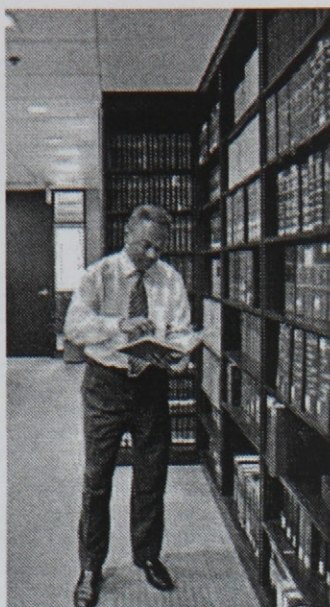
Cas de l'Afrique : « Justice des Blancs et Justice des Noirs ? »

Quand? Mercredi prochain, le 16 janvier, à 12h30!

Où? Thomson House, salle de bal (2e étage)

Don't forget to bring your lunch! The McGill Law Journal and the Human Rights Working Group are pleased to treat you to some cookies and coffee for dessert!





## LES GRANDS AVOCATS DU MONDE SONT AVANT TOUT DE GRANDS CITOYENS DU MONDE.

À notre cabinet, vous travaillerez avec des avocats ayant conclu des transactions de plusieurs milliards de dollars, d'autres ayant représenté des premiers ministres et d'autres encore ayant plaidé devant la Cour suprême des causes qui ont fait jurisprudence. Qu'ils courent des marathons, vivent de grandes aventures ou se dévouent pour des causes humanitaires, vous verrez que les membres de notre équipe comptent plusieurs êtres d'exception. Chaque année, dans le cadre de nos programmes d'emplois d'été et de stages, nous cherchons à identifier des étudiants qui, tout comme nous, conjuguent leur coup de coeur pour le droit à un profond désir de se surpasser.

Nous ne sommes pas seulement à la recherche d'avocats exceptionnels, mais surtout d'êtres d'exception.

Pour consulter les fiches biographiques de nos avocats et voir si BLG répond à vos aspirations, visitez le site [blg.com/etudiants](http://blg.com/etudiants).

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## PUBLIC INTEREST CAREERS: FOOD FOR THOUGHT FOR THE NON-CORPORATELY INCLINED

Not all students are necessarily interested in the employers who will be sponsoring Coffee Houses in the upcoming weeks. Here is Part 1 of 2 Public Interest Careers FAQ, based on the questions and topics discussed at Public Interest Career Day.

### ***Are there jobs in Public Interest?***

Yes. But there are fewer than in the private sector, and they are less visible. Unlike big law firms, most public interest organizations do not hire large numbers of new graduates at set intervals, and have very little money to spend on marketing and recruitment. Furthermore, they have limited time and some rely on word-of-mouth instead of formal postings, especially smaller grassroots organizations.

### ***Comment trouver un travail en intérêt public?***

En étant à l'affût, en faisant des recherches, en exploitant toutes les occasions de réseautage possibles, en s'assurant d'être sur le radar des organisations qui nous intéressent même si elles ne recrutent pas dans l'immédiat, en consultant régulièrement myFuture, en s'entretenant avec des collègues qui partagent nos valeurs, en connaissant les ressources en ligne du CDP consacrées à l'intérêt public, etc.

### ***What type of students are public interest employers looking for?***

As any employer, they are looking for someone who is competent, can get the job done and is easy to work with.

Furthermore, public interest employers value relevant past experience and common values. Government organizations expect you to understand the difference between practicing the law in public versus private setting; social justice organizations want to see some common ground between their mandate and your profile in your CV.

### ***Pourquoi y a-t-il autant de stages non-rémunérés?***

Parce que nous sommes dans un contexte économique et politique peu axé sur la justice sociale, ce qui a malheureusement un impact sur le financement de plusieurs organisations.

Toutefois, avant d'écarter un stage qui vous intéresse parce qu'il n'est pas payé, renseignez-vous sur les possibilités de financement facultaires et externes, surtout si le stage est lié aux droits de la personne. Il y a tout un chapitre sur le sujet dans le Guide des Carrières en intérêt public, disponible sur le site du CDP.

### ***Is there a stigma attached to working in the public interest?***

It may require a few strategic moves if you're planning to transition from the government to a firm after a few years of practice. But, as a general rule, what you do for the public interest before and during your law studies does not negatively impact your job search, even if you chose to apply to a national firm.

Bottom line, employers are looking for skilled candidates and good teammates. If you interviewed clients, conducted legal research, produced legal documents, respected deadlines, showed leadership, spoke in public, increased awareness/donations/etc., worked in a team, worked independently, proved effective under pressure... they don't care if it was for a small non-profit working with refugees or a firm.

Of course, if your whole brand is Public Interest, you will probably have to explain why you suddenly want to work for a large corporate firm, which several students do successfully every year.

Next edition: Defining your options, knowing available resources and exploring your own path



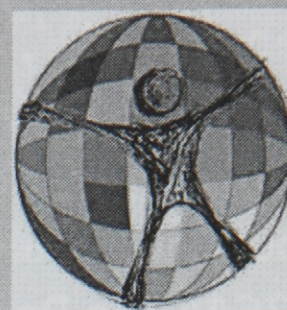
The René Cassin Lecture Series presents

# The Genocide Convention and the Universal Declaration of Human Rights: What have we learned? What must we do?

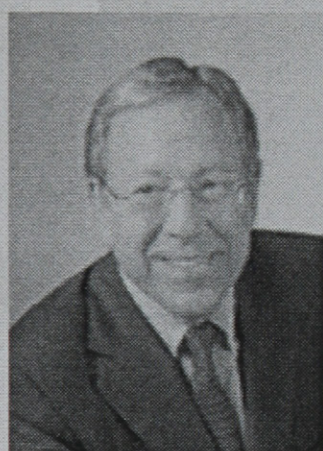
The Hon. Irwin Cotler, *Speaker*

Wednesday, February 6, 2013  
5:30-7:30 PM, Room 100, Faculty of Law  
3644 rue Peel St., McGill University  
RSVP by February 1 to [chrlp.law@mcgill.ca](mailto:chrlp.law@mcgill.ca)

McGill Centre  
for Human  
Rights and  
Legal Pluralism



René Cassin Lecture Series



The Honourable Irwin Cotler is presently a Canadian Member of Parliament. He served as Minister of Justice and Attorney General of Canada from December 2003 to January 2006. He is currently serving as Special Counsel on Human Rights & International Justice, is a member of the House of Commons Foreign Affairs Subcommittee on International Human Rights, and Chair of the All-Party Save Darfur Parliamentary Coalition. A leading public advocate in and out of Parliament for the Human Rights Agenda, he headed the Canadian Delegation to the Stockholm International Forum on the Prevention of Genocide. Mr. Cotler is Professor Emeritus of Law at McGill University, and Chair of InterAmicus, the McGill-based International Human Rights Advocacy Centre. He has been a Visiting Professor at Harvard Law School, a Woodrow Wilson Fellow at Yale Law School, and is the recipient of ten Honourary Doctorates.

*A vin d'honneur will follow.*

For more information: [chrlp.law@mcgill.ca](mailto:chrlp.law@mcgill.ca)



# McGill

Faculty of  
Law

Faculté de  
Droit



**February 2<sup>nd</sup>, 2013**  
**9:00AM – 2:30PM**  
**McGill Faculty of Law**  
**Moot Court (room 100)**  
**3644 rue Peel**

**The McGill Journal of Law and Health**  
**is proud to announce:**

## **PHYSICIAN-ASSISTED SUICIDE: Balancing Legal Approaches to Private and Public Interests in Canada**

In the wake of the Gloria Taylor case, complex issues have emerged within the debate of physician-assisted suicide. This interactive colloquium will raise awareness of the ethical and legal impact of such issues on clinicians, patients and participants.

The colloquium will be divided into two sessions. The first will include presentations by experts in the field. Following lunch, the second session will consist of a debate between two law professors to further enhance the fine line between life and death.

Moderated by:  
**Lara Khoury, D.Phil. (Law)**  
Professor, Faculty of Law, McGill University  
McGill Research Group on Health and Law



### **SESSION 1: PANEL PRESENTATIONS**

**Grace Pastine, J.D.**

Litigation Director, BC Civil Liberties Association  
(Lawyer who represented Ms. Taylor)

**Manuel Borod, M.D.**

MUHC Director of the Palliative Care Department

**Alex Schadenberg**

Executive Director, Euthanasia Prevention Coalition

### **SESSION 2: DEBATE**

**Professor Margaret Somerville, AM, FRSC, D.C.L.**

McGill Centre for Medicine, Ethics and Law

**VS.**

**Professor Daniel Weinstock, D.Phil**

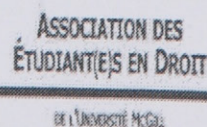
Public Health Ethics Committee of Quebec

Centre de recherche en éthique de l'Université de Montréal

**For more information, and to register, please email [mjlh.colloquium@gmail.com](mailto:mjlh.colloquium@gmail.com)**

**Students: \$5, Non-Students: \$10**

**Breakfast and Lunch will be served. Looking forward to seeing you all there!**



McGILL UNIVERSITY

LAW STUDENTS'





En ce début de deuxième semestre de l'année académique, nous aimerions vous informer des discussions ayant eu lieu au dernier Conseil de la Faculté de l'automne, le 28 novembre dernier :

- The Dean updated the Council with news about Anthony Maher's accident, his recovery, and the fundraising undertaken for him and his family.
- The Faculty has created two new bursaries:
  - o Alex Konigsberg Management and Law Bursary (in conjunction with the Faculty of Management)
  - o Alexandra Dodger Law Bursary
- Évaluation de cours :
  - o La Faculté de Droit a malheureusement un des plus faibles taux de participation étudiante au processus d'évaluation de cours, alors que ces évaluations sont très importantes et aident les professeurs et la faculté à améliorer les cours.
  - o Les professeurs ont l'option de rendre les évaluations publiques sur Minerva, mais seulement si une proportion minimale des étudiants ont répondu. Le doyen encourage les étudiants à remplir ces évaluations et les professeurs à les rendre publiques. Nous vous prions d'en faire une résolution en 2013 : participez au processus d'évaluation ce semestre-ci.
- Law Society of Upper Canada
  - o Changes to the articling requirements were approved on the 22nd, to be implemented in 2014-2015;

- o Traditional articling still exists, but a pilot Law Practice Program (LPP) has been added;
- o The mischief being addressed is the fact that 20% of law students do not find articling positions, and this percentage is disproportionately made up of "equity-seeking" disadvantaged students;
- o The LSUC will allow law schools to propose Carnegie-like legal education, i.e. 2 years of coursework followed by one year of co-ops or internships, meaning that students will graduate in 3 years having already done their articling. In order to remain competitive, the Faculty will have to consider its own alternative to propose when the LSUC launches its Request for Proposals for this new system.
- The Federation of Canadian Law Societies is considering complete mobility for lawyers across the country, although the details of universal bar/law society accreditation have not yet been elaborated.
- La faculté a conclu de nouvelles ententes d'échanges à Pékin qui commenceront dès l'an prochain avec les universités Tsinghua et Peking. Celles-ci s'ajoutent aux ententes déjà existantes avec Fudan à Shanghai et l'université de Hong Kong.
- La Faculté a aussi créé un nouveau cours transsystémique de 3 crédits intitulé « Death and Property » proposé par professeur Campbell. Ce cours remplacera éventuellement Successions (CVL) et

Wills & Estates (CML) et inclura aussi une composante sur le droit autochtone. Ces deux cours ne disparaîtront pas pour l'instant, mais ils risquent de ne plus être offerts. Les étudiants ayant pris un seul des deux cours originaux pourront toujours suivre le nouveau cours s'ils désirent explorer la matière de l'autre tradition. Puisque le cours sera généralement donné par professeur Campbell, il risque de n'être offert qu'en anglais bien qu'il n'est pas impossible qu'il soit aussi éventuellement offert en français si un instructeur maîtrisant le français est disponible.

- The issue of 'alternate grading' was briefly discussed.

Please contact any of your Faculty Council student members with any questions, concerns, or suggestions.

Happy New Year,  
 Luca (luca.barone@mail.mcgill.ca)  
 Marc (marc.roy2@mail.mcgill.ca)  
 Pascale (pascale.april@mail.mcgill.ca)  
 Dominic  
 (dominic.difruscio@mail.mcgill.ca)  
 John (john.simpson2@mail.mcgill.ca)



This year's Actus Reus production is upon us. What is Actus Reus? It is the law faculty's premier theatrical society! Every year, with the generous help of the LSA, we present a full-length production in the Moot Court (for your convenience and sheer delight).

On January 23rd, 24th and 25th, at 7:30pm, we will perform A. R. Gurney's The Dining Room.

Brilliantly mixing comedy with the little tragedies of life, the play follows a dining room through which various characters – of all age, shape and marital status – come and go.

Cette pièce explore sans merci les thèmes de la nostalgie, la tradition et le désir de s'en libérer, la famille, l'amour...

Amenez vos amis, votre "date", vos parents – quiconque que vous souhaitez épater avec ce moment fort de la vie culturelle McGilloise !

**Tickets will be sold at lunch time in the Atrium, from Monday 14th to Friday 25th. You can also track down our cast and crew!**



Left to right : top row – Derek Zeisman, Sean McGinnis, Léa Pelletier-Marcotte, Jacqueline Madden, Christie Bates; bottom row – Catherine Le Guerrier, Annie O'Dell. (Not pictured : Emily McArthur; Andrew Stuart.)

#### TIRAGE MINI-IPAD HEENAN BLAIKIE!

Courez la chance de gagner un mini-ipad gracieusement offert par Heenan Blaikie ! Il suffit simplement de remplir le questionnaire ci-dessous (version électronique ou papier - disponible au bureau de l'AÉD) et de le soumettre à Carole Gilbert, VP Relations Publiques avant le 30 janvier 2013 pour participer au tirage :) The winner will be announced at Heenan Blaikie's upcoming Coffeehouse on January 31st. This is an exciting opportunity not to be missed !!

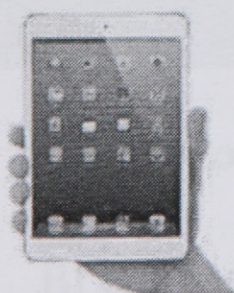
McGill University, Faculty of Law

Answer this questionnaire to enter a chance to win an IPAD-MINI during our upcoming Coffee House on January 31st 2013

Find the answers on our website:

[www.heenanblaikie.com](http://www.heenanblaikie.com)

NAME (block letters): .....



1. En quelle année Heenan a-t-il été fondé? Dans quelle ville?

2. Name three of the co-founders.

3. Combien il y a-t-il de bureaux au Canada? Dans quelles villes se trouvent-ils?

4. Name three prominent figures who are counsel to Heenan Blaikie

5. Qui préside le Comité des étudiants et stagiaires du bureau de Montréal?



# BABY IT'S COLD OUTSIDE!

A FEW TIPS ON STAYING WARM THIS JANUARY  
... FROM THE STUDENT WELL-BEING COMMITTEE

Although the temperature may be dropping outside, the Student Well-Being Committee wants to remind you that there is nothing better than warming up over a hot drink and some friendly conversation. Ce lundi 21 janvier de 12 h 30 à 13 h 30, prenez une pause de vos lectures, amenez votre tasse préférée, et réchauffez-vous un bon thé chaud à l'atrium. Venez discuter avec nous de vos vacances d'hiver, de votre début de semestre, ou pour tout simplement nous dire bonjour !

**Voici quelques astuces qui garderont vos mains, vos coeurs et vos portefeuilles au chaud cet hiver!**

## - The Winter Coat Project!

Chaplaincy Services has this amazing project that offers free, lightly used winter clothes to students. They have hats, gloves, scarves, boots... everything you can imagine to make your winter more cozy and warm. Got too MUCH warm stuff? They are always looking for winter clothes donations – bring'em down! If you would like to pay them a visit, they are located on the 4th floor of the Brown Building.

- Tired of carrying heavy groceries bags on snowy sidewalks? **Get your groceries delivered to your house!** Most of the supermarkets in Montreal will deliver your groceries for a reasonable delivery fee. Les frais de livraison varient entre 1 \$ (PA, Provigo) et 4 \$ (IGA, Segal's). Certains magasins offrent même une option d'achat en ligne ou par téléphone avec livraison le jour même.

- **Try a new winter activity!** patinermontreal.ca is a very good website providing the latest information on rinks and other skating sites in Montreal. Best of all, nearly all skating sites are outside and free!!! If you need to rent skates, you can go to the beautiful Bonsecours Basin (aka, the Quays of the Old Port), Beaver Lake (on top of Mont-Royal), Parc Lafontaine or Maisonneuve Park. Du 15 décembre à la mi-mars le Parc olympique vous invite à explorer un éventail d'activités dans un village d'hiver. Venez profiter d'une glissade, d'un sentier de glace, du mini-tennis sur neige, des spectacles et plus! Last but not least, don't forget about the Snow Village at Parc Jean-Drapeau where you can grab a seat at the ice bar and have a nice warm drink.

- **Dance to warm up!** Igloofest is an outdoor electronic music festival in the Old Port taking place, this year, during the last two weekends of January and the first two weekends of February. Achetez vos billets en ligne (18,50 \$) ou sur place (20 \$). Vous êtes accro d'igloo? Gâchez-vous donc avec 12 soirées de la danse avec un igloopass à 120 \$!

- **Meditate!** Every Tuesday from 12:30 PM to 1:30 PM, Thomson House offers an hour of peace, relaxation and tea. Law students are eligible to attend their guided meditation session that will definitely boost your productivity. Aucun engagement, aucune inscription obligatoire – vous avez juste à vous présenter à nos portes! C'est entièrement gratuit!

- **Catch a fish!** Do you know that for \$10 you can go ice-fishing at only steps away from your home? The Ice Fishing Village is situated at the Clock Tower Quay in the Old Port. They have all the material you need (including a fishing license that can be bought on site). What a fun activity!

- **Feeling sad?** Don't worry you are not the only one! Studies have shown that the number of law students with depression, anxiety, hostility and depression eight to 15 times more than that of the general population.<sup>1</sup> If you are having more sad days than happy ones, it might be time to get help. McGill Mental Health Clinic offers psychological and psychiatric services in a secure, non-judgmental space for students of all orientations and backgrounds. They can be reached at 514-398-6019 and they are located on the 5th floor of the Brown Building.

This semester, three 2L students are heading the Well-Being Committee: Andrea, Katie and Viviane. We would like to thank Michèle Lamarre-Leroux for the amazing job she did last semester. Our plan is to have well-being theme every month with an activity and a Quid article. We encourage students to participate : à qui la fac? À nous la fac!

Envoyez vos questions et commentaries à :  
katie.spillane@mail.mcgill.ca,  
viviane.albuquerque@mail.mcgill.ca,  
landreasaavedra@gmail.com.



# LIBRARY NEWS

## Welcome back!

Dear Law students, it is nice to see you back! Your library was busy during the study break, and we have two major additions that will make the Law Library even more comfortable place to study:

- **NEW COMPUTERS** in the classroom! All the computers in our classroom have been replaced by modern, new, and much faster machines!
- **New study space** on the 4th floor and new desks in the Humphrey room. Now, the Law students can enjoy an additional study space on the 4th floor next to the Peel street side of the building. To preserve the initial "look and feel" of the library space, we had our custom-made Law Library's desks from the Humphrey room moved to the new study space at

the 4th floor, while the Humphrey room got more study spots with new desks similar in style to our historical furniture.

## Azimut, Westlaw, and QuickLaw Presentations

The Law Library is inviting you again to the legal databases training offered by the legal publishers.

- **QuickLaw (LexiNexis)**  
Wednesday, January 30th, 2013 from 12h30-14h
- **Azimut-Juris.doc (SOQUIJ)**  
Wednesday, February 6th, 2013 from 12h30-14h
- **Westlaw Canada (Carswell)**  
Wednesday, February 13th, 2013 from 12h30-14h

Sign-up sheets are available in the Law Library Computer Classroom.

## Rare Books Room Tours Offered

If you would like to know what kind of treasures are kept in the glass enclosed Rare Books Room on the second floor of the Law Library, sign up for a half-an-hour (or longer) tour of the Law Rare Books. To sign up for a tour, please send a request to me, Svetlana Kochkina, [svetlana.kochkina@mcgill.ca](mailto:svetlana.kochkina@mcgill.ca), and I will notify you when we will have a necessary number of participants.

## Law Library blog

Do not forget to check Nahum Gelber Law Library's blog, where you can find more of the Law Library news <http://blogs.library.mcgill.ca/lawlibrary/>

## S U D O K U

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# St. James United Church

in collaboration with  
*Professor Norman Cornett*

invite you to participate in the 'dialogic' series

## Law, Literature, and Loss

With retired judge of the **Superior Court of Ontario**

*Justice James Clarke*

[http://www.youtube.com/watch?v=rj7S\\_zQgHzo](http://www.youtube.com/watch?v=rj7S_zQgHzo)

Winner of the **Governor General's Award** in poetry

*Stephanie Bolster*

Head of the McGill division of Child Psychiatry

And collaborator with Concordia University's

Art Therapy program

*Dr. Jaswant Guzder*

Sundays 14h00-16h00

January 13<sup>th</sup>, 20<sup>th</sup>, 27<sup>th</sup>, February 3<sup>rd</sup>, 10<sup>th</sup>

St. James United Church,  
1440 Saint-Alexandre

Cost: **\$5.00** per session plus photocopies

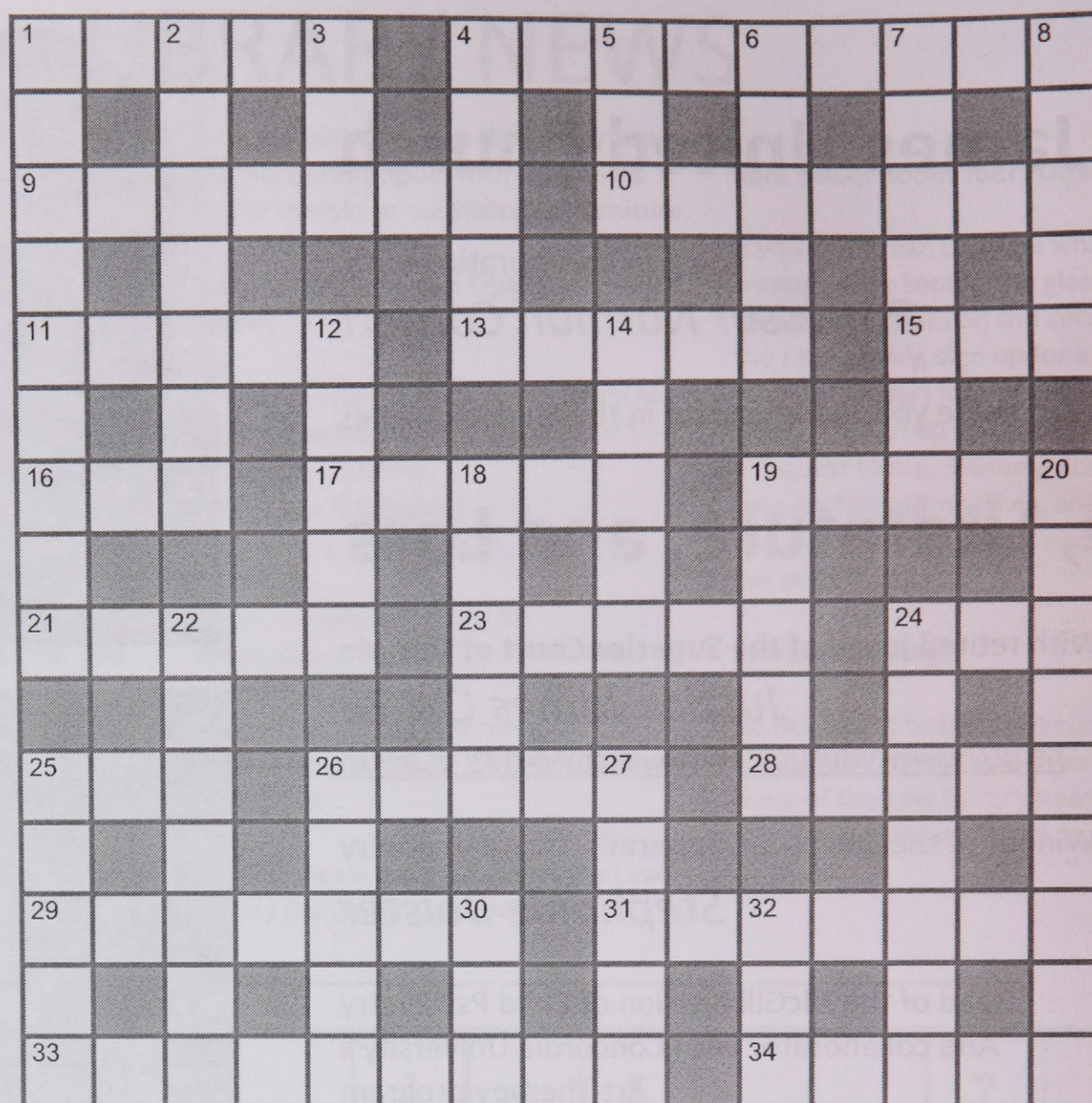
Contact: Professor Norman Cornett  
[normancornett@gmail.com](mailto:normancornett@gmail.com) tel.[514]256-2483

Registration now in progress





# C R O S S W O R D



## ACROSS

1. A legal case (Latin)
4. Not micro
9. The life of Steve Zissou, e.g.
10. Search paper
11. Ha-ha
13. Like some questions
15. \_\_\_ and tuck
16. Zip
17. "Good job!"
19. In \_\_\_
21. Make law
23. The best
24. Take to court
25. Went with feathers, in old days
26. Samuel \_\_\_
28. Goes bad
29. Rough reading
31. Fiasco
33. Sonia \_\_\_
34. Throng

## DOWN

1. Go against
2. Cruel and \_\_\_
3. Bit of legislation
4. They speak for themselves, in a cliché
5. Order often follows it
6. Type of poker
7. Opposed
8. Bar, legally
12. Hard to break
14. Came to
18. Cover story
19. Mr. Bates, e.g.
20. Ignore the alarm
22. Series of '70s disaster movies
24. Warm wind from Africa
25. Justices have them for life
26. Many a robber's undoing
27. Judge's yell, on TV
30. Hear a case
32. Tom Hanks movie



## OVERHEARD AT THE FAC

First Overheard of the Semester:

Prof: No one expects the Spanish Inquisition! (Only a few students laugh.) I guess you're too young for that.

Prof: [Asks a fairly basic question.]

Students: [Silence.]

Prof: I have 18 students at an elite law school in one room. For every one of you there were 10 people who couldn't get into McGill because they weren't sharp enough. You guys must know this.

L2: We're not strong on corporate law here.

L3: But we know the Napoleonic code!

Prof: Canadian banks don't lend money to the barbarians. At least until it becomes clear that your business will go down the drain if you don't. Then you start speed-dialing the barbarians.

4 L : Depuis que je suis marié avec ma femme je fais plein d'affaires que j n'aime pas faire, comme aller voir Twilight. Mais c'est correct, parce qu'après le film quand on revient à la maison, c'est à son tour de faire les affaires qu'elle n'aime pas faire. C'est comme un contrat synallagmatique ... Right?

Prof: Hong Kong Tycoons, they like their ballroom dancing, they like their Noah's Ark, they like to have the kidnappers of their children kidnapped and shot in China... Hong Kong is a very active place: lots of "doers".

Prof: I will do my best to find more interesting cases, preferably from Hong Kong. Hey, this is supposed to be a transsystemic degree right? Why stick

to boring local cases.

2L: Faire toutes ses lectures pour Legal Meth, c'est comme faire une orgie lors d'une première date: tu rencontres plein de gens que tu ne connais pas et que tu ne reverras jamais.

Prof: I can no longer read judgements of the Supreme Court. Life is too short. So I have to use head notes, I hope you don't mind.

Student: Justice Oliver Wendell Holmes says ...

Prof, cutting student off: He's dead!

4L: Can't torts deal with that?

4L: Who?

4L: Torts!

4L, looking confused: Who's that?

Prof, discussing course organization: I'm not saying you shouldn't be disappointed by s. 24(2). I'm saying you'd have a more informed disappointment if we saw s. 24(1) first.

Funny lawyer during a coffee house:  
2L: So, could you tell me about [your firm]?

Lawyer: Oh, it's great! We have pool tables, we watch porn in our offices...

2L: Sinon, comment est l'ambiance dans [nom du cabinet]?

Lawyer: Les gens sont gentils, les filles sont chicks!

Lawyer: On n'est pas comme Norton Rose ou Stikeman Elliot, qui ont un baton dans le cul...

Lawyer: Je ne suis pas vraiment impliqué dans le processus de recrutement, je suis surtout ici pour chiller et prendre un drink.

Lawyer: Bon, he bien je dois y aller,

j'ai un autre cocktail!

2L: Ça a été un plaisir de parler avec vous. J'ai gâché mes chances avec [nom du cabinet]...

Lawyer: ...ouin, pas mal!...

2L: ...mais je vous remercie d'avoir rempli la prochaine édition du Quid Novi!

2L: What's the logic behind that?

Prof: There's no logic, it's policy!

Prof: I think I'll be able to catch up with the class schedule today. Having said that, I'm immediately going to digress - I suffer from this... effect. Each minute at the start of the class, I de-value, because I have so many of them. And then at the end of the class when they're scarce, each one is worth a fortune - I used to be in the reserves of the armed forces. And everybody smoked, because the only interesting thing to do on breaks was smoke... You would think that after 20 years of teaching I would have figured out how to manage my time.

Prof: That's the answer in principle. In real life everyone's a drug addict and broke.

2L: Hummm... is that pizza?

Other 2L: Yeah!

2L: So, what club am I in tonight?

Other 2L: Oh, it's for the Human Rights Group's talk at 5:30.

2L: I love human rights! Where is it?

Prof, on discovery process in Common Law : Je ne dis pas que les avocats sont malhonnêtes, mais people respond to incentives.



[thenortonrosedifference.com](http://thenortonrosedifference.com)

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